

**IN UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

Nicole M. Frye, Administrator of the	:	TRIAL BY JURY
Estate of James M. Huber	:	
45 Crestwood Ln.	:	CIVIL ACTION NO. 22-597
North East, PA, 16428	:	
	:	
Plaintiff.	:	
	:	
v.	:	
	:	
Anthony Nigro	:	
3331 Trooper Paul Kurdys Way	:	
Buffalo, NY 14225	:	

JOINT RULE 26 SUBMISSION

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, the parties hereby submit the following conference memorandum.

I. INTRODUCTION

Counsel have conferred and hereby submit the following.

II. PROPOSED SCHEDULE

1. Plaintiff has made her initial disclosures. Defendant requests until February 23, 2023, to make initial disclosures.
2. Not applicable.
3. The parties request 180 days for fact discovery. Plaintiff submitted paper discovery requests on December 13, 2022, to Defendant and has not received a response to the paper discovery. Defendant agrees to reply by February 23, 2023.
4. The parties request 60 days from the close of fact discovery for expert discovery, with 14 days for a defense expert report, and an additional 14 days for Plaintiff's rebuttal report.

5. The parties intend to work out discovery disputes among themselves, and will contact the Court with a formal filed motion on ecf if they reach an impasse.
6. Due to the nature of the case, Plaintiff is willing to stipulate to a confidentiality Order in the instant matter. However, videos of the incident have been published to the public via the New York Attorney General's website, and Plaintiff does not believe the videos should be subject to a confidentiality Order.
7. Not applicable.
8. Not applicable.
9. Unknown to Plaintiff at this time.
10. The parties request 30 days from the close of expert discovery for dispositive motions.
11. At this time, the parties object to ADR and will revisit with the Court in the future.
12. Plaintiff demands a jury trial. 4 days plus jury selection.

III. MISCELLANEOUS

Plaintiff does not consent to full jurisdiction to a Magistrate Judge.

Respectfully Submitted,

Date: January 23, 2023

/s/ Brian J. Zeiger
By: BRIAN J. ZEIGER, ESQUIRE
Levin & Zeiger, LLP
1500 JFK Boulevard, Suite 620
Philadelphia, PA 19102
(215) 546-0340

CERTIFICATION OF SERVICE

I, Brian J. Zeiger Esquire, attorney for Plaintiff in this matter, hereby certify that the attached pleading was sent to Defendant, by way of counsel, via ecf, on January 11, 2023.

Respectfully Submitted,

Date: January 23, 2023

/s/ Brian J. Zeiger

By: BRIAN J. ZEIGER, ESQUIRE

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